

REMARKS

In response to the restriction requirement, applicants elect, with traverse, the invention of group V, claims 85-91, for prosecution in this application. Accordingly, claims 1-84 have been cancelled without prejudice to applicants' right to file divisional applications for the subject matter of those claims.

Claims 85-91, as amended, and new claims 92-128 are now presented for examination. Claims 85-91 have been amended to correct errors of a typographical nature but remain as originally presented. New claims 92-116 are directed to preferred features of the Group V embodiment and should be examined with the Group V claims. The new claims are supported by the specification and the original claims so that there is no issue of new matter.

New claims 117-128 are directed to a method of using the applicator of the Group V claims. It is respectfully submitted that claims 117-128 should be examined with the claims of Group I since the applicator is designed for streaming a solution over, and in contact with, a skin portion of a subject so that the solution streams over, and in contact with, the surface of the viable tissue, and includes structure for enzymatically and mechanically causing the removal of cells from the surface of the viable tissue. Thus, the patentability of the applicator and method claims are related in that they depend on the structure of the product and its use. For this reason, the applicator and method claims are sufficiently related that they should be examined together in this application.

Furthermore, it is the understanding of the applicant that claims directed to methods of use of an article may also be considered with the article claim provided that the method claims include all of the features of an allowable article claim. Accordingly, when claim 85 is found to be patentable, dependent claims 117-128 even if currently withdrawn from consideration should also be allowed since they will include all the features of an allowable article claim. This is analogous to the current office practice in the chemical arts, where a claim directed to a method of use of a compound or composition may be considered with a compound or composition claim. For example, when a compound or composition claim is found to be patentable, method claims which depend from allowable compound or composition claims are also allowed since all uses of a novel compound are patentable under current law.

In addition, in order to properly assess the patentability of the applicator claims of Group V, a search needs to be made of all references that disclose such products, so that uses of the prior art products will of necessity be reviewed. Accordingly there is no

additional burden on the Examiner to also review the merits of method claims 117-128 in particular because the patentability of applicator claims 85-116 will in large part depend upon how prior art applicators are utilized in treatment methods.

In view of the foregoing, it is believed that claims 85-128 should be examined together in this application at this time.

Pursuant to Applicant's duty of disclosure under 37 C.F.R. § 1.56, there is submitted herewith an Information Disclosure Statement to bring to the attention of the Examiner certain US patents that are listed on the enclosed Form PTO-1449. It is respectfully requested that these patents be made of record in this application by the Examiner's completion and return of the Form PTO-1449. In view of the art that has been submitted, applicants believe that the present claims are patentable over those references and that entire application is in condition for allowance.

Respectfully submitted,

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Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN LLP
CUSTOMER NO. 28765
(212) 294-3311